

**Remarks/Arguments**

**The Rejection of Claims 1-3 and 13-19 Under 35 U.S.C. §102(b)**

The Examiner rejected Claims 1-3 and 13-19 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,884,037 (Barber et al.). Applicants respectfully traverse the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

**Claim 1**

**Barber does not teach an inlet end orifice with faces**

Claim 1 recites: “a housing comprising an inlet end and an outlet end, said inlet end and said outlet end each comprising at least one orifice for passing said fluid therethrough, *said inlet end orifice comprising an inlet face and an outlet face* (emphasis added);” As recited in Claim 1 and shown in Fig. 1 of the present application, inlet end orifice 18 is a separate component within housing 12, located at inlet end 14 of housing 12. In contrast, Barber teaches an inlet without any component analogous to an orifice: “...having end members 23, with an inlet at 24 and an outlet at 25. Within this casing there is a catalytic structure...” (col. 4, lines 47-50). This is clearly shown in Figure 2 of Barber. That is, Barber teaches a cap-like component with an opening. Assuming *arguendo* that the member 23 is analogous to an orifice, Barber still does not teach faces for the member.

**Barber teaches a separate valve for maintaining backpressure**

Claim 1 recites: “*said inlet end orifice operatively arranged to maintain a backpressure upstream* (emphasis added) of said inlet end orifice;” Thus, Claim 1 clearly recites that the inlet orifice, which is a component in the housing, maintains the backpressure. Assuming *arguendo* that muffler 12 of Barber is analogous to the housing recited in Claim 1, Barber teaches the use of valve 13, separate from muffler 12, to maintain backpressure: “There is disclosed at 13, a diagrammatic showing of a valve for regulating exhaust back pressure, shown located

*downstream of the catalytic muffler* (emphasis added).” (col. 2, lines 57-60). In Fig. 1, valve 13 is shown as separate from muffler 12 and connected by a section of exhaust pipe.

Barber adds separate elements downstream of the outlet port to maintain backpressure

Claim 1 recites an orifice at the inlet to the housing arranged to maintain backpressure. Assuming *arguendo* that Barber’s separate valve is analogous to an orifice integral to a housing, Barber teaches that the valve is located downstream of the muffler, i.e., the valve is associated with the outlet end of the muffler.

For all the reasons noted above, Claim 1 is novel with respect to Barber. Claims 2 and 3, dependent from Claim 1, enjoy the same distinction with respect to Barber.

#### **Claim 13**

Claim 13 recites: “a housing comprising an inlet end and an outlet end; said inlet end and said outlet end each comprising at least one orifice for passing said gas therethrough; said orifice of said inlet end operatively arranged to maintain a backpressure upstream of said inlet end orifice;” Applicants have shown *supra* that Barber does not teach inlet and outlet ends including respective orifices and does not teach an inlet orifice arranged to maintain backpressure.

Claim 13 is novel with respect to Barber. Claims 14-17, dependent from Claim 13, enjoy the same distinction with respect to Barber.

#### **Claim 18**

Claim 18 recites: “a housing comprising an inlet end and an outlet end; said inlet end and said outlet end each comprising at least one orifice for passing said gas therethrough; said orifice of said inlet end operatively arranged to maintain a backpressure upstream of said inlet end orifice;

a first layer of knitted wire mesh; said first layer disposed proximate said inlet orifice;

at second wire screen layer; said wire screen layer proximate said first layer;

a third layer of knitted wire mesh;

a fourth wire screen layer; said fourth layer disposed proximate said outlet end and maintaining contact therewith.”

Applicants have shown *supra* that Barber does not teach inlet and outlet ends including respective orifices and does not teach an inlet orifice arranged to maintain backpressure. Barber does not teach the four wire screen layers recited in Claim 18: "As desired, metal knitted mesh or screen or various combinations of metal fibers in the form of filaments, wires, or the like, *may be disposed randomly* (emphasis added) in woven, interlaced, reticulate or wrapped forms." (col. 4, lines 57-60).

Claim 18 is novel with respect to Barber. Claim 19, dependent from Claim 18, enjoys the same distinction with respect to Barber.

Applicants courteously request that the rejection be removed.

#### The Rejection of Claims 1-3 Under 35 U.S.C. §102(b)

The Examiner rejected Claims 1-3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,495,950 (Barber et al.). Applicants respectfully traverse the rejection.

Anticipation requires that all of the elements of the claim be taught within the four corners of a single reference.

Barber '950 teaches the same muffler, end members, inlet, outlet, and valve as taught in Barber '037. Applicants have shown *supra* that Barber '037 does not anticipate Claim 1. The arguments regarding Claim 1 and Barber '037 are applicable to Claim 1 and Barber '950, and for the sake of brevity are not repeated here. Therefore, Claim 1 is novel with respect to Barber '950. Claims 2 and 3, dependent from Claim 1, enjoy the same distinction from Barber '950. Applicants courteously request that the rejection be removed.

#### Rejection of Claims 4-12 under 35 U.S.C. §103(a)

The Examiner rejected Claims 4-12 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,884,037 (Barber et al.). Applicants respectfully traverse the rejection.

In accordance with *In re Vaeck*, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Applicants have shown *supra* that Barber '037

does not teach all the limitations of Claim 1. Nor does Barber '037 suggest all the limitations of Claim 1.

Therefore, Claim 1 is patentable over Barber '037. Claims 4-12, dependent from Claim 1, enjoy the same distinction from Barber '037. Applicants courteously request that the rejection be removed.

Rejection of Claims 4-7 under 35 U.S.C. §103(a)

The Examiner rejected Claims 4-7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,495,950 (Barber et al.). Applicants respectfully traverse the rejection.

In accordance with *In re Vaeck*, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Barber '950 teaches the same muffler, end members, inlet, outlet, and valve as taught in Barber '037. Applicants have shown supra that Claim 1 is patentable over Barber '037. The arguments regarding Claim 1 and Barber '037 are applicable to Claim 1 and Barber '950, and for the sake of brevity are not repeated here.


Therefore, Claim 1 is patentable Barber '950. Claims 4-7, dependent from Claim 1, enjoy the same distinction from Barber '950. Applicants courteously request that the rejection be removed.

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**Conclusion**

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



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